

Appl. No. 10/669,099  
Amdt. dated March 8, 2006  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 1655

PATENT

**REMARKS/ARGUMENTS**

Claims 37 to 39, 41 to 57, and 60 to 65 were previously presented for examination. Claim 37 is presently amended. After entry of these amendments, claims 37 to 39, 41 to 57, and 60 to 65 will be pending.

All the pending claims stand rejected for an allegedly being unpatentable under the judicially created doctrine of obviousness-type double patenting over U.S. Patents Nos. 5,504,117 and 5,693,676. Applicants provide herewith a suitable terminal disclaimer with reference to these two patents to obviate this grounds for rejection.

Claim 37 was amended to insert the recital of "patient" in the claim preamble. This inserted term provides antecedent basis for the recital of "patient" in the body of the claim. Accordingly, the Applicants believe the amendment to claim 37 does not represent new matter and respectfully request its entry.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

  
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